



Application No.: 10/714,449

Docket No.: 42597-193226

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(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Melo et al.

Art Unit: Not Yet Assigned

Application No: 10/714,449

Examiner: Not Yet Assigned

Confirmation No: 9366

Filed: November 17, 2003

Atty. Docket No: 42597-193226

For: METHOD TO INDUCE NEOVASCULAR
FORMATION AND TISSUE
REGENERATION

Customer No:

26694

26694

PATENT TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action of July 26, 2006, Applicants hereby elect with traverse Group II (claims 4, 10-18, directed to a method for inducing cardiomyogenesis by administering a polynucleotide that encodes VEGF), as defined on page 2 of the Office Action.

The restriction of the claims in Groups I, III and IV (directed to methods for inducing other disease indications by administering a polynucleotide that encodes VEGF) from the claims of Group II is traversed, at least because a search for one indication would likely cover the other indications, as well. In view of the Examiner's suggestion that, if the linking claims 1-2 and 19-80 are found to be allowable, groups I, III and IV would be rejoined, applicants request that this be done.

With regard to the requirements of election of species, applicants elect the following species in categories 1-23:

1. Cardiomyocytes.
2. Type II.
3. Striated.
4. Vascular smooth muscle cell.
5. Myocardial ischemia.
6. Parenteral.
7. Intramuscular.
8. Intravenous.
9. Intracoronary.
10. Intrapericardial.
11. Intramyocardial.
12. Transendocardial administration.
13. Epicardial
14. Nasopharyngeal.
15. Gingivoyugalis
16. Intra-atrial
17. Intra-left atrial administration
18. Intra-left ventricle administration
19. Intramyocardial-transepicardial injection
20. Injection between about 30° and 90°
21. Cardiomyocyte
22. Myocardial tissue
23. Myocardial tissue.

A fee of \$450.00 for a 2-month extension of time is believed to be due with this response. The Commissioner is hereby authorized to charge this fee, and any other fees association with this response or credit any overpayment to Deposit Account No. 22-02621..

Dated: October 26, 2006

Respectfully submitted,

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